

No. 218-4Lab-73/1199.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Panipat Coop. Sugar Mills Ltd. Panipat.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**

Reference No. 108 of 1971

between

**SHRI RAM PARSHAD AND THE MANAGEMENT OF M/S PANIPAT COOP. SUGAR
MILLS, LTD., P. NIPAT**

Present.—

Shri Raghbir Singh, for the workman.

Shri R. L. Gupta and Surinder Kaushal for the management.

AWARD

By order No. ID/KNL/13 F-71/19908 dated 29th June, 1971 of the Governor of Haryana, the following dispute between the management of M/s Panipat Coop. Sugar Mills Ltd., Panipat and its workman Shri Ram Parshad, Chowkidar was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947:—

“Whether the action of the management not to provide employment to Shri Ram Parshad, Chowkidar on the start of the crushing season 1970-71 was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties and they put-in their respective written statements. The management took the plea that Shri Ram Parshad who had been employed as a Watchman on 1st December, 1966 on casual/daily basis had worked up-till 19th February, 1967 and he did not join his duty during the season 1967-68 and 1968-69 of his own will and without assigning any reason. It was further urged that he had reported for duty during the season 1969-70 also and was again kept on casual basis and his appointment being for broken periods no notice was required for the termination of his services. Shri Parshad controverted the above allegation of the management.

The following two issues arose for determination from the pleadings of the parties :—

1. Whether the applicant Shri Ram Parshad was seasonal permanent workman since 1965?
2. Whether the termination of services of Shri Ram Parshad was justified and in order? If not to what relief is he entitled?

The management subsequently amended the written statement with the leave of the court subject to payment of Rs. 50 as costs pleading that the reference being not covered by section 2 A of the Industrial Disputes Act, 1947 was bad in law and the court had no jurisdiction to adjudicate upon the dispute. The following additional issue was framed on the above plea :—

“Whether this reference is invalid because it does not file under the provision of section 2 A of the Industrial Disputes Act and this court has no jurisdiction?”

The management has examined 2 witnesses namely Shri Hem Raj, Time-Keeper M.W. 1 and Shri Nand Lal Batra, Office Superintendent M.W. 2. An application dated 20th November, 1971 of Shri Ram Parshad has also been brought on record. According to M.W. 1 Shri Ram Parshad has been engaged on 29th November, 1969 and he had worked till 29th March, 1970 and after the break he had again worked from 7th April, 1970 to 16th June, 1970 during the season. From his own application Exhibit W.W.1/1, it is clear that due to the death of his father he had not reported for duty in time for the relevant season. Shri Ram Parshad has not come forward to refute the above allegation of the management. He has not made even his own statement what to speak of leading any other evidence and his authorised representative Shri Raghbir Singh has stated that he had written to Shri Ram Parshad to appear in the court and make his statement but he had not responded and since he is himself not interested in pursuing his claim no evidence can be lead to refute the pleas raised on behalf of the management.

In view of the facts stated above, the present reference has manifestly not arisen out of any dispute relating to discharge, dismissal, retrenchment or otherwise termination of the services of Shri Ram Parshad concerned workman. He was only a casual worker, the question of his appointment being

dependent on his reporting for duty within time at the commencement of the season. According to his own showing he could not report for duty in time due to the death of his father. The question and the management terminating his services, therefore, did not arise. The dispute is clearly not covered by section 2A of the Industrial Disputes Act, 1947. There is nothing on the record to indicate that the dispute, if any, had been properly espoused by the substantial number of workmen of the establishment. The reference is, therefore, bad in law and without jurisdiction.

Even on merits the workman has made out no case to entitle him to any relief and I have no reason to disbelieve the testimony of the witnesses of the management discussed above.

The issues are, therefore, decided against the workman and it is held that apart from reference being bad in law and without jurisdiction he is not entitled to any relief for want of evidence to support his claim. The award is made accordingly. No order as to costs.

O. P. SHARMA,

Dated 29th December, 1972.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3096, dated 29th December, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 12th January, 1973

No. 153-4-Lab-73/1242.— In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Emerson Paul Plastic Company, 3A/124, N.I.T., Faridabad.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD**

Reference No. 4 of 1972

between

**THE WORKMEN AND THE MANAGEMENT OF M/S. EMERSON PAUL PLASTIC COMPANY,
3A/124, N.I.T., FARIDABAD**

Present!—

Nemo, for the workmen.

Shri Sat Paul Singh, Proprietor for the management.

AWARD

The following disputes between the management of M/s. Emerson Paul Plastic Company, Faridabad and its workmen were referred for adjudication to this Tribunal by order No. ID/FD/702-A-71/370, dated 5th January, 1972 by the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

1. Whether the management should pay bonus to the workers for the years 1966-67, 1967-68, 1968-69 and 1969-70 ? If so, with what details ?
2. Whether the management should fix grades and scales of pay for the workmen ? If so, with what details ?
3. Whether the management be required to supply the uniforms to the workers ? If so, with what details ?

Usual notices were given to the parties. The management has filed the written statement contesting the demands of the workmen mainly on the ground of financial incapacity. The workmen have not filed any statement of claim nor have they come forward to press their demands.

Statement of Shri Sat Paul Singh, Proprietor, has been recorded. According to him this is a small establishment in which only 4/5 workers are engaged and ever since it started its production in June, 1966 it has been running into losses throughout. He has further stated that no process is involved in which the clothes of the workmen are likely to be soiled or spoiled. He has also proved three applications Exhibit M-1, M-2, M-3 addressed by the workmen concerned, A perusal of which would show that they have, infact, no dispute with the management with regard to the demands the subject matter of the present reference.

In view of the facts stated above, a no dispute award is given. No order as to costs.

O. P. SHARMA,

Dated the 29th December, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 2, dated the 1st January, 1973.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 29th December, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 215-4Lab-73/1244.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak, in respect of the dispute between the workmen and the management of M/s. The Panipat Coop. Sugar Mills Ltd., Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 99 of 1971

Between

SHRI TARA CHAND AND THE MANAGEMENT OF M/S THE PANIPAT COOP. SUGAR
MILLS LTD. PANIPAT

Present.—

Shri Madhusudan Saran Kaushish for the workman.
Shri Surinder Kaushal for the management.

AWARD

By order No. ID/KNL/13th January, 1971/20214-18 dated 2nd July, 1971 of the Governor of Haryana, the following dispute between the management of M/s The Panipat Coop. Sugar Mills Ltd., Panipat and its workman Shri Tara Chand was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Tara Chand was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties and they put-in their respective written statements. It is however, not necessary to go into the merits of the case as the matter stand concluded by the statements made by the authorised representatives of the parties. It transpires that in a similar case of retirement of Shri Chuni Lal Chhabra, another workman of the same management, my learned predecessor had given the award against the workman and he had filed a writ Petition in the High Court. The parties in the present reference agreed to abide by the decision of the High Court in that writ Petition, —*vide* their statements recorded by my learned predecessor on 13th December, 1971. It was agreed that in case Shri Chuni Lal Chhabra failed to get any relief in his above Writ Petition Shri Tara Chand present workman would also be entitled to the same relief. If however, Shri Chuni Lal Chhabra succeeded in getting any relief Shri Tara Chand would also be entitled to the same relief and the question of back wages was to be left open to be decided by the court later on in accordance

with the law. The authorised representative of the parties have stated that the aforesaid writ of Shri Chuni Lal Chhabra has since been dismissed in limine,—vide order dated 21st February, 1972 of the High Court, Copy Exhibit M. 1 on record.

In view of the above, Shri Tara Chand concerned workman is not entitled to any relief as conceded by his authorised representative. The award is made accordingly. No order as to costs.

Dated 29th December, 1972

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3099 Dated 29th December, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 148—4 Lab-73/1246-A.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Ram Saroop Dhani Ram, Gota Factory, 6 N. I. T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 83 of 1972

between

SHRI DEEP CHAND WORKMAN AND THE MANAGEMENT OF M/S RAM SAROOP
DHANI RAM, GOTAFACTORY, 6, N. I. T., FARIDABAD

Present :

Nemo, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The following dispute between the management of M/s Ram Saroop Dhani Ram, Gota Factory, 6, N. I. T., Faridabad and its workman Shri Deep Chand was referred for adjudication to this Tribunal by the Governor of Haryana,—vide Order No. ID/FD/72/40702, dated 23rd November, 1972, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Deep Chand was justified and in order ? If not, to what relief is he entitled ?

Usual notices were given to the parties. The concerned workman has not come forward to put in any statement of claim. On the other hand, the authorised representative of the management of Shri R. C. Sharma has stated that the dispute has been settled and Shri Deep Chand has been taken back on duty with effect from 18th September, 1972 with continuity of his previous service and his wages have also been increased from Rs 110 to Rs 200 per mensem as per terms and conditions given in the memorandum of settlement dated 17th September, 1972 Exhibit M. 1.

In view of the above, a no dispute award is given. No order as to costs.

O. P. SHARMA,

Dated the 29th December, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 3, dated the 1st January, 1973

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 29th December, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 216-4 Lab-73/1248.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Chhabra Industries, Bahadurgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 80 of 1971

between

SHRI SANT RAM AND THE MANAGEMENT OF M/S CHHABRA INDUSTRIES,
BAHADURGARH

Present :

Shri Rajinder Singh Dahiya, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The facts relevant for the disposal of this reference may briefly be stated as under :—

Shri Sant Ram joined service as a Moulder with M/s Chhabra Industries, Bahadurgarh on 1st August, 1970. The management terminated his services with effect from the 29th December, 1970. Feeling aggrieved he raised a demand for reinstatement with back wages contending that the termination of his services without any notice or chargesheet was illegal and unjustified. There was no satisfactory response from the management. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana,—vide order No. ID/RK/134-B/17500-4, dated the 7th June, 1971, referred the above dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Sant Ram was justified and in order? If not, to what relief is he entitled?

Usual notices were given to the parties and they put in their respective written statements. The management contended that Shri Sant Ram had been employed on probation for 5 months and as his work was not found to be satisfactory his services had to be terminated. Shri Sant Ram concerned workman contraverted the above allegations of the management.

The only issue that arose for determination in the case was as per the term of reference mentioned above. The management has examined 3 witnesses including Shri Kapil Kumar Malhotra, Engineer Incharge M. W. 1, Shri Joginder Singh, Foreman M. W. 2 and Shri Jagjit Singh, Manager M. W. 3 and brought on record the original appointment letter dated the 1st August, 1970 of Shri Sant Ram Exhibit M. 1. The workman, on the other hand, examined one witness Shri Bhagirath Mal ex-workman of the establishment concerned besides making his own statement.

The case has been fully argued on both sides and I have given a careful consideration to the facts on record. A perusal of the appointment letter Ex. M-1 read with the statements of M.W. 1, M.W-2 and M.W. 3 would leave no doubt whatever in concluding that this workman was appointed Moulder on 1st August, 1970 and his appointment was on probation for a period of 5 months. The M. Ws. have further deposed that his work was not satisfactory and he had shown no improvement in spite of warning. Shri Sant Ram, has no doubt tried to show that he has been discharging his duty satisfactorily and he has examined one witness Shri Bhagirath Mal ex-workman to prove this fact. His vague testimony however, does not carry any weight in view of the unanimous deposition of the 3 witnesses examined by the management including the Engineer M. W. 1, the Foreman M. W. 2 under whom he was

working and the Manager M. W. 3 was in the overall management and control of the work in the factory. I have not been referred to any documentary evidence, fitness certificate etc., to support the contention of the workman.

Some stress has been laid on the contradictory evidence lead by the management with regard to the period of probation. M. W. 1 Shri Kapil Kumar Malhotra, Engineer has stated that the period of probation was for 6 months while M. W. 3 Shri Jagjit Singh, Manager has stated that he was appointed on 5 months probation, —*vde* letter of appointment Ex. M. 1. The appointment letter Ex. M. 1. speaks for itself and it has clearly been mentioned there in that this workman was appointed on 5 months probation. Ex. M. 1. is thumb-marked by Shri Sant Ram and there is nothing to indicate that it is not a genuine document. I have, therefore, no difficulty in holding that his appointment was on probation for 5 months. Even if it be assumed or the sake of argument that the probation period was 6 months and not 5 months the management was not bound to keep him in service when his work had been found to be unsatisfactory and he had shown no improvement in spite of warning given by his superior officers. The case might have been different if any *mala fides* on the part of management had been established but nothing of the sort has been alleged or proved in the case.

So, taking into consideration the facts as discussed above, I do not find any thing wrong with the impugned order of the termination of services of Shri Sant Ram concerned workman. The issue is decided against him and it is held that he is not entitled to any relief by way of reinstatement or back wages.

The award is made accordingly. No order as to costs.

Dated 28th December, 1972.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3098, dated 29th December, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,
Commissioner for Labour and Employment and Secy.

REVENUE DEPARTMENT

The 17th January, 1973

No. 347-Admn-I-73/157.—The Governor of Haryana is pleased to retire Shri Sham Sunder Lal, Under-Secretary, Rural Development Board, Financial Commissioner's Office, Haryana, from Government service with effect from the afternoon of the 17th January, 1973 on his attaining the age of superannuation at 58 years.

The 17th/18th January, 1973

No. 7062-RIV-72/1418.—The Governor of Haryana is pleased to change with the concurrence of Government of India the name of Village 'Kani Kheri' to Dharam Kheri, Tehsil Hansi, District Hissar. Devnagri and Roman spellings of the name Dharam Kheri, are given below :—

Devnagri	Roman
धर्मखड़ी	Dharam Kheri

D. D. SHARMA, Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 16/17 जनवरी, 1973

क्रमांक 2777-ज(I)-72/1441.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैता कि उत्तरे आज तक दिरियाणा त्रिकार द्वायि संशोधन किया गया है) की धारा 2 (ए)(1) तथा 3(1) के प्रनुसार सौंगे गये प्रविकारों का प्रयोग करते हुए हरियाणा के एन्डमाल श्री हेत राम, पुल बखतावर सिंह, मास खैराना, तहसील व ज़िला महेन्द्रगढ़, को रवी, 1966 से रखी, 1970 तक 100 रुपये वार्षिक तबा खरीफ, 1970 से आगे 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहृष्ट प्रदान करते हैं।

गृहचरण सिंह विन्दरा,
श्रवर र. फ. व. हरियाणा सरकार,
राजस्व विभाग।